

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Greenbelt Division)**

CAPITAL RAIL CONSTRUCTORS,
a Joint Venture,

Plaintiff,

v.

WESTERN SURETY COMPANY,

Defendant.

WESTERN SURETY COMPANY,

Third-Party Plaintiff,

v.

MIDASCO, LLC, and IMESAPI, LLC,

Third-Party Defendants.

MIDASCO, LLC,

Fourth-Party Plaintiff,

v.

CAPITAL RAIL CONSTRUCTORS, a Joint
Venture, CLARK CONSTRUCTION GROUP,
LLC, and KIEWIT INFRASTRUCTURE
SOUTH CO.,

Fourth-Party Defendants.

Case No. 16-cv-01345 (RWT)

CAPITAL RAIL CONSTRUCTORS, a Joint
Venture,

Fourth-Party Counterclaim
Plaintiff,

v.

MIDASCO, LLC,

Fourth-Party Counterclaim
Defendant.

**PLAINTIFF'S CONSENT MOTION FOR
LEAVE TO FILE AN AMENDED COMPLAINT**

Plaintiff, Capital Rail Constructors, a Joint Venture ("CRC"), hereby moves the Court for leave to amend its Complaint, pursuant to Fed. R. Civ. P. 15(a)(2) and Local Rule 103(6), to add two new counts against, Defendant, Western Surety Company ("Western Surety"). In compliance with Local Rule 103(6), the following documents are filed simultaneously with this Consent Motion: (1) the proposed Amended Complaint (Exhibit A to this Consent Motion); and (2) the proposed Amended Complaint in which stricken material has been lined through and the new material has been underlined (Exhibit B to this Consent Motion). Pursuant to Local Rule 103(6)(b), only the newly added exhibit to the Amended Complaint (Exhibit 4) has been attached to the Amended Complaint. Plaintiff CRC has conferred with the opposing party, Defendant Western Surety, regarding the filing of an Amended Complaint, and those parties have agreed to the following:

1. Defendant Western Surety consents to Plaintiff CRC's Consent Motion for Leave to file an Amended Complaint.

2. Defendant Western Surety shall have 14 days from the date this Consent Motion is granted to file its response to Plaintiff CRC's Amended Complaint.
3. A proposed Order granting this Consent Motion is attached hereto as Exhibit C.

WHEREFORE, Plaintiff CRC respectfully requests that the Court enter the Order (Exhibit C) granting Plaintiff CRC leave to file an Amended Complaint.

/s/ Robert D. Windus

Robert D. Windus
MOORE & LEE LLP
1751 Pinnacle Dr., Suite 1100
McLean, VA 22102
(703) 506-2050
r.windus@mooreandlee.com

Of Counsel:

Robert M. Moore
Moore & Lee, LLP
1751 Pinnacle Drive, Suite 1100
McLean, VA 22102
(703) 506-2050
r.moore@mooreandlee.com

*Attorneys for Plaintiff/Fourth-Party Defendant,
Capital Rail Constructors, JV*

*Attorneys for Fourth-Party Defendant,
Clark Construction Group, LLC*

*Attorneys for Fourth-Party Defendant,
Kiewit Infrastructure South Co.*

/s/ Patrick J. Madigan

Patrick M. Pike
Patrick James Madigan
Pike and Gilliss LLC
600 Washington Avenue, Suite 303
Towson, MD 21204
(443) 761-6505
pike@pikegilliss.com
pmadigan@pikegilliss.com

Attorneys for Western Surety Company

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of August, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which sent a notification of such filing to the following:

Patrick James Madigan
Patrick M. Pike
PIKE & GILLIS LLC
600 Washington Avenue, Suite 303
Towson, MD 21204
pmadigan@pikegilliss.com
pike@pikegilliss.com

Kathleen Ann Mullen
PEPPER HAMILTON LLP
100 Market St, Suite 200
P.O. Box 1181
Harrisburg, PA 17108
mullenk@pepperlaw.com

Michael Subak
Raymond L. Deluca
PEPPER HAMILTON LLP
3000 Two Logan Square
Philadelphia, PA 19103
subakm@pepperlaw.com

/s/ Robert D. Windus
Robert D. Windus (Md. Bar No. 911219)
MOORE & LEE, LLP
1751 Pinnacle Drive, Suite 1100
McLean, Virginia 22102
r.windus@mooreandlee.com